MEMORANDUM



Agenda Item No. 4(U)

TO: Hogorable Chairperson Barbara Carey-Shuler, Ed.D. DATE:

Address Board of County Commissioners

January 20, 2004

FROM: George M. Burgess County Manager

SUBJECT:

Road Closing Petition P-737

Section: 4-53-41

Portions of NW 28 Avenue from NW 90

Street to NW 91 Street

District 2

RECOMMENDATION

It is recommended that the Board of County Commissioners grant the attached Road Closing petition following a public hearing. The subject right-of-way has never been improved nor maintained by Miami-Dade County. The abutting properties receive public services from the front of the property and not the rear of each lot. The proposed closing will not impact vehicular traffic. Furthermore, granting this petition will relieve the County of the liabilities associated with a public right-of-way. For the aforementioned circumstances the Public Works Department recommends approval of this petition. The Miami-Dade Departments of Planning and Zoning, Fire Rescue, Water and Sewer, and Public Works have no objection to the right-of-way closing.

BACKGROUND

All property owners abutting the subject portion of NW 28 Avenue have joined in signing this petition, they intend to incorporate portions of the subject right-of-way as part of their property, to be landscaped and maintained thus improving the property values.

The right-of-way to be closed is a 35-foot wide portion of NW 28 Avenue, extending from NW 90th Street North to NW 91st Street for approximately 280 feet. The subject right-of-way was dedicated in 1924, by the Amended Plat of THE TROPICS, A SUBDIVISION in Section 4 -Township 53 - Range 41, recorded in Plat Book 10, Page 17, of the Public Records of Miami-Dade County, Florida. Said plat contains a reverter clause stipulating that the property will revert back to the abutting property owners whenever the right-ofways are discontinued.

The Zoning District to the west of the alley is RU-3 (Four Unit Apartment House District). The east side of said alley is zoned BU-1A (Limited Business District), this split zoning is typical of the property along section line roads such as 27th Avenue.

The Miami-Dade Water and Sewer Department reports that there is an existing 6" water main within the subject alley. The right-of-way can be vacated providing the entire area is reserved as a utility easement.

Honorable Chairperson Barbara Carey-Shuler, Ed. D. and members, Board of County Commissioners Page Two

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$1.03 per foot. Therefore, the appraised value of this right-of-way would be approximately \$10,100. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$252 per year in additional property taxes to be paid by the adjoining property owner.

Assistant County Manager

(Revised)

	_			
Т	റ	•		

Hon. Chairperson Barbara Carey-Shuler, Ed.D.

DATE:

January 20, 2004

and Members, Board of County Commissioners

FROM:

Robert A. Ginsburg County Attorney

SUBJECT: Agenda Item No. 4(U)

Please	note	any	items	checked.
--------	------	-----	-------	----------

	"4-Day Rule" ("3-Day Rule" for committees) applicable if raised
	6 weeks required between first reading and public hearing
	4 weeks notification to municipal officials required prior to public hearing
	Decreases revenues or increases expenditures without balancing budget
	Budget required
	Statement of fiscal impact required
	Bid waiver requiring County Manager's written recommendation
	Ordinance creating a new board requires detailed County Manager's report for public hearing
	Housekeeping item (no policy decision required)
V	No committee review

Approved	Mayor	Agenda Item No. 4(U)
Veto		1-20-04
Override		
	RESOLUTION NO	

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF N W $2\,8^{TH}$ A VENUE FROM N W $9\,0^{TH}$ STREET TO NW 91^{ST} STREET (ROAD CLOSING PETITION NO. P-737)

WHEREAS, the County Commission held a public hearing to consider a petition to close a portion of NW 28th Avenue from NW 90th Street to NW 91st Street, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the alleyway, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, contingent upon reserving the entire alley as a utility easement requested by Miami-Dade Water and Sewer Department; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

Agenda Item No. 4(U) Page No. 2

, who

The foregoing resolution was offered by Commissioner moved its adoption. The motion was seconded by Commissioner

Dr. Barbara Carey-Shuler, Chairperson Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro
Betty T. Ferguson
Jose "Pepe" Diaz
Sally A. Heyman
Joe A. Martinez
Jimmy L. Morales
Dennis C. Moss
Dorrin D. Rolle
Natacha Seijas
Rebeca Sosa

Sen. Javier D. Souto

and upon being put to a vote, the vote was as follows:

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

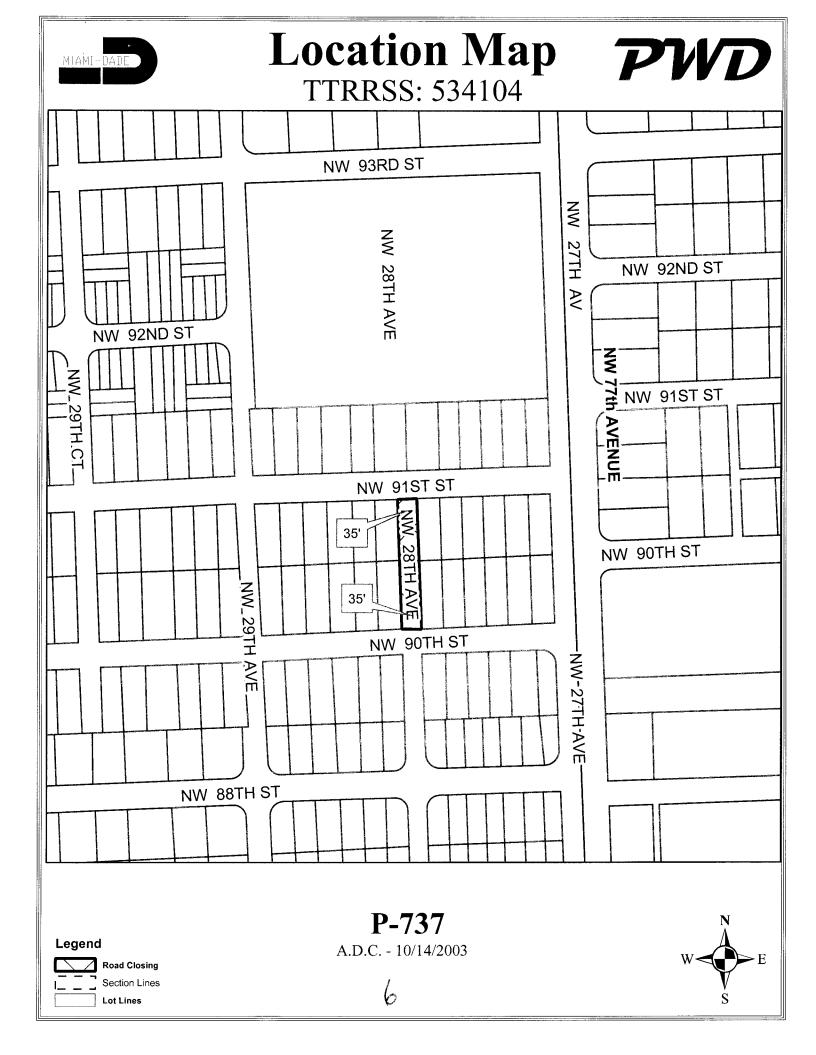
HARVEY RUVIN, CLERK

By: Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

Thomas Goldstein





PETITION TO CLOSE ROAD

TO: Board of County Commissioners Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 - 336.12, Florida Statutes, hereby petition the Board of County Commissioners to vacate, abandon, discontinue and close an existing public or private street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of the County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on a recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

That portion of NW 28th Avenue being a 35 foot right-of-way, lying and being between the West line of Block 80 and the East Line of Block 79 and lying South of a line from the Northeast corner or Block 79, Eastward to the Northwest corner of Block 80 and the North of a line from the South East corner of Block 79, Eastward to the South West corner of Block 80, all in Plat Book 10, Page 17 of the public records of Miami-Dade County, Florida.

2. PUBLIC INTEREST IN ROAD: The title or interest of the County and the public in and to the above described road, right-of-way or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

By dedication as shown in platted subdivision "Tropics Amended" in PB 10 Pg 17 Miami Dade County

- 3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.
- 4. ABUTTING PROPERTY OWNERS: The following constitutes a complete and accurate schedule of all owners and occupants of property abutting upon or adjacent to the above described road, right-of-way or lands and all persons who will be affected by the closing and abandonment thereof (all interested or affected persons must either sign this petition or sign a written consent):

Name	3.4.5	•		
**************************************	Address	Des	scription of	Property
JOSE A DIAZ	2802 NW 91 ST	Amalo		Rendentine
BERNARDA D DIAZ	2802 NW 91 ST	11	/	11
MARIO DIAZ	2819 NW 90 St	(.	(1	•1
JOSE L URENA	2819 NW 90ST	11		il
CMCC LTD	9050 NW 27 MAVE	Comme	reigh (CA	R L37)
		-		
				_

^{5.} ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

^{6.} NO FEDERAL OR STATE HIGHWAY AFFECTED: The undersigned certify that the above described road, right-of-way or land is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes; and that such road, right-of-way or land is under the control and jurisdiction of the board of County Commissioners.

7. GROUNDS FOR REQUESTING PETITION: The undersigned submit as a grounds and reasons in support of this petition the following (state in detail why petition should be granted):

This unimproved dirt road creates an unsage embironment for the surrounding neighbors in the following ways:

- a) Constant dumping of thrash & garbage attracts flies and vermin.
- b) This alley is used for drug transactions & prostitution.
- 8. INTENT: The undersigned submit as grounds and reason for the utilization of the land sought to be closed (state purpose in detail)

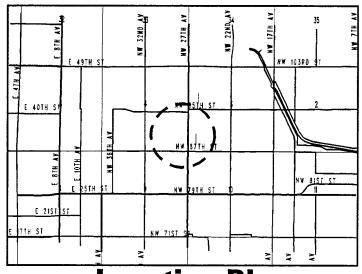
Upon closer the undersigned intend to fence and landscape the property.

(Petition must be signed by all property owners abutting the road, right-of-way or lands to be closed or abandoned)

Respectfully submitted,

Signature	Address
Jose A Dec	2802 NW 91 ST MIAMI FL33147
Bernarda Dia	2802 NW 91 ST MIAMI FL 33147
Mario Xuis	72819 NW 90 ST 11 11 33147
for Morin	2819 NW 905T " " 33147
(000cm)	9050 NW 27AVE 11 11 33147

P737

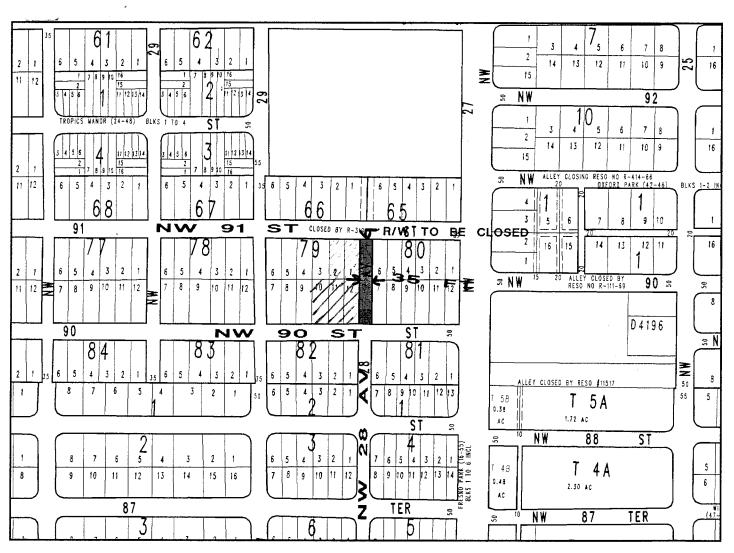


Sec: 04

Twp: 53

Rge: 41

Location Plan



LEGEND

10



RIGHT OF WAY TO BE CLOSED

3080 DAZ ellill

COLLEGE AUTO SALES

MANO DIAZ



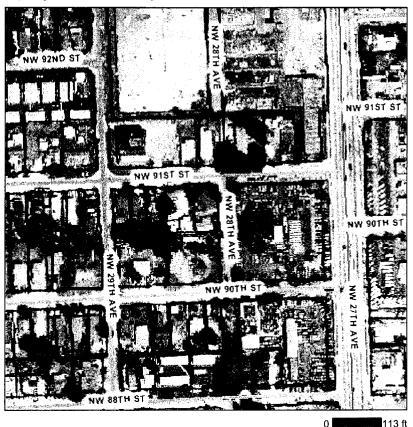
Attorney for Petitioner
Address: (Signature of Attorney not required)
STATE OF FLORIDA)) SS: MIAMI-DADE COUNTY)
BEFORE ME, the undersigned authority, personally appeared THOSE PERSONS who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.
(See page Three) (Signature of Petitioner)
Sworn and subscribed to before me this day of
JOSE DIAZ BERNARDA DIAZ MARIO DIAZ JOSE L. URENA
CMCC LTD ABE CHAMOUN (prendent)

My Home Miami-Dade County, Florida

mamidadəgov

MIAMI·DADE

Property Information Map



This map was created on 10/22/2003 3:56:27 PM for reference purposes only. Web Site © 2002 Miami-Dade County. All rights reserved.





Summary Details:

Folio No.:	30-3104-003-5670
Property:	2802 NW 91 ST
	JOSE A DIAZ &W BERNARDA
	2802 NW 91 ST MIAMI FL 33147-3416

Property Information:

Primary Zone:	5100 BUNGALOW COURTS
CLUC:	0001 RESIDENTIAL- SINGLE FAMILY
Beds/Baths:	3/1
Floors:	1
Living Units:	1
Adj Sq Footage:	936
Lot Size:	9,730 SQ FT
Year Built:	1960
Legal Description:	THE TROPICS AMD PL PB 10-17 LOT 1 & E20FT OF LOT 2 & LESS S 1FT OF E20FT OF LOT 2 BLK 79 LOT SIZE 70.000 X 139 OR 16834-3397 0695 1

Sale Information:

Sale O/R:	16834-3397
Sale Date:	6/1995
Sale Amount:	\$67,500

Assessment Information:

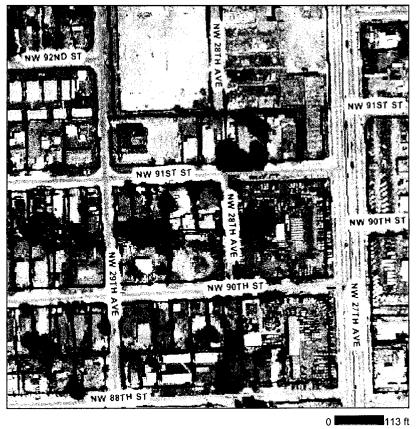
Year:	2003	2002
Land Value:	\$45,538	\$36,502
Building Value:	\$43,166	\$36,950
Market Value:	\$88,704	\$73,452
Assessed Value:	\$50,190	\$49,014
Homestead Exemption:	\$25,000	\$25,000
Total Exemptions:	\$25,000	\$25,000
Taxable Value:	\$25,190	\$24,014

My Home Miami-Dade County, Florida

mamidadegov

Property Information Map





This map was created on 10/22/2003 3:56:44 PM for reference purposes only. Web Site © 2002 Miami-Dade County. All rights reserved.

4



Summary Details:

Folio No.:	30-3104-003-5730
Property:	9050 NW 27 AVE
Mailing Address:	CMCC LTD
	9050 NW 27 AVE MIAMI FL
	33147-3502

Property Information:

Primary Zone:	6100 RESTRICTED COMMERCIAL
CLUC:	0019 COMMERCIAL- MIXED USE
Beds/Baths:	0/2
Floors:	1
Living Units:	0
Adj Sq Footage:	1,612
Lot Size:	78,680 SQ FT
Year Built:	1980
Legal Description:	4 53 41 THE TROPICS AMD PL PB 10-17 LOT 1 LESS E25FT & LOTS 2 TO 11 INC & LOT 12 LESS E25FT BLK 80 LOT SIZE IRREGULAR OR 18614-2657 THRU 2668 0599 5

Sale Information:

Sale O/R:	15815-1324
Sale Date:	2/1993
Sale Amount:	\$172,500

Assessment Information:

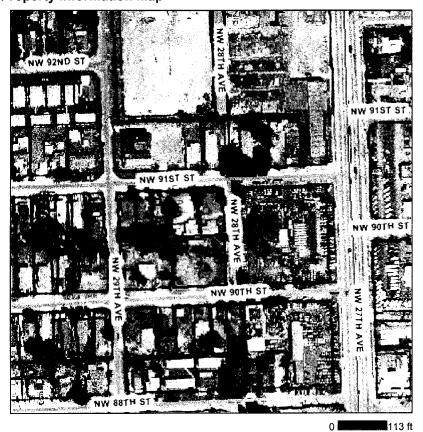
Year:	2003	2002
Land Value:	\$272,204	\$233,392
Building Value:	\$2,761	\$2,761
Market Value:	\$274,965	\$236,153
Assessed Value:	\$274,965	\$236,153
Total Exemptions:	\$0	\$0
Taxable Value:	\$274,965	\$236,153

My Home Miami-Dade County, Florida

mamidadegov

MIAMI·DADE

Property Information Map



This map was created on 10/22/2003 3:57:10 PM for reference purposes only. Web Site © 2002 Miami-Dade County. All rights reserved.

Summary Details:

Folio No.:	30-3104-003-5720
Property:	2819 NW 90 ST
Mailing Address:	MARIO DIAZ
	7777 NW 17 AVE MIAMI FL
	33147-5656

Property Information:

Primary Zone:	5100 BUNGALOW COURTS
CLUC:	0002 MULTIFAMILY- DUPLEX
Beds/Baths:	4/3
Floors:	1
Living Units:	2
Adj Sq Footage:	3,859
Lot Size:	21,000 SQ FT
Year Built:	1945
Legal Description:	THE TROPICS AMD PL PB 10-17 LOTS 10-11 & 12 BLK 79 LOT SIZE 150.000 X 140 OR 20472-0287 0602 5

Sale Information:

Sale O/R:	_}
Sale Date:	3/2003
Sale Amount:	\$0

Assessment Information:

Year:	2003	2002
Land Value:	\$97,808	\$78,401
Building Value:	\$157,814	\$134,771
Market Value:	\$255,622	\$213,172
Assessed Value:	\$255,622	\$213,172
Total Exemptions:	\$0	\$0
Taxable Value:	\$255,622	\$213,172



